



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

D. J. Biswas, J. P. Nilaya and A. Kumar

Appln. No.: 10/612,848

Filed: July 3, 2003

For: A PULSER DRIVEN, HELIUM FREE TRANSVERSELY EXCITED
ATMOSPHERIC-PRESSURE (TEA) CO2 LASER

Attorney Docket No.: 3875.023

PETITION UNDER 37 C.F.R. §1.53(e)

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

With respect to the Notice of Incomplete Nonprovisional Application, mailed in the above-captioned application on October 2, 2003, Applicant hereby petitions the Commissioner under 37 C.F.R. §1.53(e). Applicant respectfully asserts that the pages at issue (six pages of drawings) were submitted with the application as filed on July 3, 2003. Therefore, Applicant petitions the Commissioner for a finding that the application is entitled to its original filing date of July 3, 2003.

The required petition fee under 37 C.F.R. §1.17(h) is enclosed herewith. Applicant requests that, contingent upon the granting of the present petition, the enclosed fee be refunded to deposit account number 16-0877 pursuant to 37 C.F.R. §1..

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Attorney Docket: 3875.023

In support of this Petition, the following are appended:

APPENDIX A: A copy of the return postcard that was submitted with the above-captioned application, which was received back from the USPTO, and upon which the USPTO acknowledges receipt of said six drawing pages;

APPENDIX B: A copy of an email dated June 11, 2003, providing the undersigned attorney of record with an electronic copy of the specification from which the above-captioned patent application was developed for filing with the USPTO;

APPENDIX C: A copy of an email dated June 11, 2003, sent by the undersigned attorney of record to acknowledge receipt of the email of Appendix B and to request at least one figure for filing with the subject application; and

APPENDIX D: A copy of an email dated June 13, 2003, sent by the undersigned attorney of record to acknowledge receipt via email of an electronic copy of six pages of drawings for filing with the above-captioned Patent Application.

The facts related to the filing of the above-captioned application that are known to the undersigned are set forth below.

U.S. Application No.: 10/612,848
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Attorney Docket: 3875.023

I, the undersigned Attorney of record, state that the Applicant in the above-captioned application provided me, via email, with a draft specification of the above-captioned application on June 11, 2003. A copy of this email is appended as **APPENDIX B**.

I further state that, after reviewing the materials provided by the Applicant, I sent an email to the Applicant on June 11, 2003, acknowledging receipt of said draft specification and requesting the Applicant to provide at least one figure for filing with the application. A copy of this email is appended as **APPENDIX C**.

On June 13, 2003, the Applicant provided me, via email, with six pages of drawings for incorporation into the above-captioned application. A copy of this email is appended as **APPENDIX D**.

Between June 13 and July 3, 2003, I prepared the above-captioned application, which included the above-mentioned six pages of drawings provided to me, for filing with the U.S. Patent and Trademark Office.

On July 2, 2003, I provided the completed application, consisting of thirteen pages of specification, two pages of claims, six pages of drawings, and one page of abstract, together with a transmittal letter, a check, and an executed Inventor's Declaration, to my secretary for filing with the U.S. Patent and Trademark Office.

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Attorney Docket: 3875.023

On July 3, 2003, the completed papers, including the six pages of drawings, were placed in an Express Mail envelope bearing the serial number EV330254863US, together with a postage-paid return postcard (**APPENDIX A**) listing the contents of the envelope including the six pages of drawings, and the envelope was sealed. The envelope was addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and was deposited with the U.S. Postal Service on July 3, 2003.

I received the above-mentioned return postcard (**APPENDIX A**) from the U.S. Patent and Trademark Office on or before July 28, 2003. I forwarded two copies of the postcard to the Applicant by facsimile on July 28, 2003.

The postage-paid postcard (**APPENDIX A**) bears a U.S. Patent and Trademark Office mailroom stamp acknowledging receipt of an application for patent comprising thirteen pages of specification, two pages of claims, six pages of drawings, an executed Inventor's Declaration, and a check. The mailroom stamp assigns to the application the temporary serial number 10/612,848 and a filing date of July 3, 2003. The postcard contains no notations indicating that any of the listed parts of the application were not received.

A copy of the postcard as received is submitted herewith as APPENDIX A.

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Attorney Docket: 3875.023

In view of the above, Applicant respectfully asserts that the six pages of drawings at issue were received from the Applicant prior to the date of filing of the above-captioned application; were duly incorporated into the above-captioned application; were submitted to the U.S. Patent and Trademark Office on July 3, 2003; that the six pages of drawings were acknowledged to have been received by the U.S. Patent and Trademark Office.

Applicant therefore petitions the Commissioner under the provisions of 37 C.F.R. §1.53(e) for a finding that the above-captioned application is entitled to its original filing date of July 3, 2003.

Respectfully submitted,



Christopher J. Kay
Registration No. 44,820

PENDORF & CUTLIFF
5111 Memorial Hwy
Tampa, Florida 33634-7356
(813) 886-6085

Date: **October 14, 2003**

U.S. Application No.: 10/612,848
PETITION UNDER 37 C.F.R. §1.53(e)

Attorney Docket: 3875.023

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing **PETITION UNDER 37 C.F.R. §1.53(e)** for U.S. Application No. 10/612,848, filed July 3, 2003, check, Appendices A-D, and return postcard, were deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop Missing Parts¹, Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria VA 22313-1450, on **October 14, 2003**.

The Commissioner is hereby authorized to charge any additional fees that may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Bonnie L. Horst

¹ The petition is addressed on its face to "Mail Stop Petitions", but is submitted in the first instance to "Mail Stop Missing Parts" in accord with the instructions provided on the Notice of Incomplete Nonprovisional Application.

PETITION UNDER 37 C.F.R. § 1.53(e)
U.S. SERIAL NO. 10/612,848

APPENDIX A.



Atty Docket No.: 3875.023 Serial No.: NOT YET ASSIGNED Filing Date: JULY 3, 2003

Applicant: DHRUBA D. BISWAS, et al.

Title/Mark: A PULSER DRIVEN, HELIUM FREE TRANSVERSELY EXCITED ATMOSPHERIC -
- PRESSURE (TEA) CO₂ LASER.

THE MAIL ROOM STAMP BELOW ACKNOWLEDGES RECEIPT OF THE FOLLOWING
DOCUMENTS ON THE DATE INDICATED ON THE MAIL ROOM STAMP.

<input checked="" type="checkbox"/>	Appl'n for Patent PCT with:	<input type="checkbox"/>	Appl'n for TM/SM with Drawing and _____
	<u>13</u> pg of specification		specimens of the mark
	<u>2</u> pg of Claims	<input type="checkbox"/>	Appl'n for Copyright Registration and _____
	<u>6</u> pg of Drawings Informal/Formal		deposits.
	<u>1</u> pg of Abstract	<input type="checkbox"/>	Request for _____ month Extension of Time
<input type="checkbox"/>	Power of Attorney	<input type="checkbox"/>	Base Issue Fee Forms
<input checked="" type="checkbox"/>	Inventor's Declaration	<input type="checkbox"/>	Status Inquiry
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>	Information Disclosure Statement	<input type="checkbox"/>	
<input type="checkbox"/>	Amendment _____	<input type="checkbox"/>	
<input type="checkbox"/>	Assignment	<input type="checkbox"/>	
<input type="checkbox"/>	Letter to Draftsman	<input checked="" type="checkbox"/>	Certificate of Mailing Date of <u>7-3-03</u>
	____ pg of Informal Drawings	<input checked="" type="checkbox"/>	Express Mail No.: <u>EV 330254863 US</u>
	____ pg of Formal Drawings		Check No.: <u>90046</u> \$ <u>750.00</u>

14749 U.S. PTO

10/612848



07/03/03



kay@patentcentral.com

From: S. Majumdar & Co. [patents@vsnl.com]

Sent: Wednesday, June 11, 2003 7:03 AM

To: Chris Kay

Subject: Proposed Patent Application for filing in USA - BARC application

Christopher J. Kay Esqr
PENDORF & CUTLIFF
3940 Venetian Way
Tampa, Florida 33634
USA

Via E-mail
June 11, 2003

Dear Mr. Kay

Re: Proposed Patent Application for filing in USA – BARC application

Title: A pulser driven, helium-free transversely excited atmospheric-pressure (TEA) CO₂ laser

Our Ref : FPAA/229 /SN/Y/180603

We are please to entrust you with the filing of the aforesaid Patent Application in USA.

Please note that it is a direct US filing with no priority claim. We attach herewith data sheet providing the name and residential addresses of the inventors and the applicant to whom the invention will be transferred after filing. We also attach the draft complete specification.

You are requested to file the above application as early as possible. If any further information is required for the purpose please feel free to revert.

Kindly acknowledge the receipt of this E-mail.

Yours faithfully,

SIDDHARTHA NAG

of S. MAJUMDAR & Co.

attach: data sheet and draft complete specification

kay@patentcentral.com

From: Chris Kay [kay@patentcentral.com]
Sent: Wednesday, June 11, 2003 9:31 AM
To: 'S. Majumdar & Co.'
Subject: RE: Proposed Patent Application for filing in USA - BARC application

Dear Dr. Nag:

This is to acknowledge receipt of your email, as requested. We will shortly forward to you via email a Declaration and Power of Attorney form and an Assignment form for execution by the inventors. Although it is not required that these forms be filed with the application, it does reduce filing fees if the Declaration is filed. Therefore, please fax the executed forms to us at your earliest convenience. Our fax number in the USA is 813-886-6720.

Under US practice, the Examiner will usually require at least one figure where the invention is capable of illustration. Therefore, to avoid such a later requirement, please provide us with at least one figure if possible.

Thank you for entrusting the filing of the application to us. If you have any questions or concerns, please let us know.

Sincerely,

Christopher J. Kay, Ph.D.
Patent Agent
Pendorf & Cutliff
5111 Memorial Highway
Tampa, Florida 33634-7356
tel.: (813)886-6085
fax: (813)886-6720
email: kay@patentcentral.com

web: www.patentcentral.com

-----Original Message-----

From: S. Majumdar & Co. [mailto:patents@vsnl.com]
Sent: Wednesday, June 11, 2003 7:03 AM
To: Chris Kay
Subject: Proposed Patent Application for filing in USA - BARC application

Christopher J. Kay Esqr
PENDORF & CUTLIFF
3940 Venetian Way
Tampa, Florida 33634
USA

Via E-mail
June 11, 2003

Dear Mr. Kay

Re: Proposed Patent Application for filing in USA - BARC application
Title: A pulser driven, helium-free transversely excited atmospheric-pressure (TEA) CO2 laser
Our Ref: FPAA/229 /SN/Y/180603

We have noted that the first names of the inventors are required. The first names will be incorporated by the inventors while executed the documents.

Yours faithfully,

SIDDHARTHA NAG

OCT 16 2003
kay@patentcentral.com

From: Chris Kay [kay@patentcentral.com]

Sent: Friday, June 13, 2003 9:55 AM

To: 'S. Majumdar & Co.'

Subject: RE: Proposed Patent Application for filing in USA - BARC application

Dear Dr. Nag:

Thank you for the figures. We will await your facsimile of the executed formal documents and then file the application as soon as possible thereafter.

Sincerely,

Christopher J. Kay, Ph.D.
Patent Agent
Pendorf & Cutliff
5111 Memorial Highway
Tampa, Florida 33634-7356
tel.: (813)886-6085
fax: (813)886-6720
email: kay@patentcentral.com

web: www.patentcentral.com

-----Original Message-----

From: S. Majumdar & Co. [mailto:patents@vsnl.com]

Sent: Friday, June 13, 2003 2:50 AM

To: Chris Kay

Subject: Proposed Patent Application for filing in USA - BARC application

Christopher J. Kay Esqr
PENDORF & CUTLIFF
3940 Venetian Way
Tampa, Florida 33634
USA

Via E-mail
June 13, 2003

Dear Mr. Kay

Re: Proposed Patent Application for filing in USA - BARC application

Title: A pulser driven, helium-free transversely excited atmospheric-pressure (TEA) CO₂ laser

Our Ref : FPAA/229 /SN/Y/180603

Thank you for your mails of June 11, 2003 along with the Assignment and Power of Attorney-Declaration forms.

We shall fax you the duly executed formal documents as soon as possible. Please file the application only after receiving faxed executed formal documents to avoid additional government fees. Meanwhile please find attached figures 1 to 6.

10/13/2003

We are please to entrust you with the filing of the aforesaid Patent Application in USA.

Please note that it is a direct US filing with no priority claim. We attach herewith data sheet providing the name and residential addresses of the inventors and the applicant to whom the invention will be transferred after filing. We also attach the draft complete specification.

You are requested to file the above application as early as possible. If any further information is required for the purpose please feel free to revert.

Kindly acknowledge the receipt of this E-mail.

Yours faithfully,

SIDDHARTHA NAG

of S. MAJUMDAR & Co.

attach: data sheet and draft complete specification

10/13/2003